

Message Text

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SUBJ: COURT ORDERS RELEASE OF SARAWAK OPPOSITION LEADER

REF: A) KUALA LUMPUR 230

B) KUALA LUMPUR 5174 (OCT 31, 1974)

1. SUMMARY: THE BORNEO HIGH COURT MARCH 7 ORDERED THE RELEASE FROM DETENTION OF SARAWAK OPPOSITION POLITICAL LEADER JAMES WONG. THIS RULING SHOULD TO SOME EXTENT COUNTERACT CRITICISM THAT THE GOVERNMENT HAS PLACED ITSELF ABOVE THE LAW AND HAS BEEN USING ITS POWERS ARBITRARILY AGAINST POLITICAL OPPOSITION. WHILE THE RULING ALSO WILL ENCOURAGE THE POLITICAL OPPOSITION BOTH IN SARAWAK AND IN PENINSULAR MALAYSIA, IT SHOULD IN NO WAY ENDANGER THE GOVERNMENT. END SUMMARY.

2. ON FRIDAY MARCH 7, THE BORNEO HIGH COURT LOCATED IN KUCHING, SARAWAK, ORDERED THE RELEASE FROM DETENTION OF DATUK JAMES WONG, DEPUTY PRESIDENT OF THE SARAWAK NATIONAL PARTY (SNAP) AND MEMBER OF THE COUNCIL NEGRI (SARAWAK STATE LEGISLATURE). WONG WAS DETAINED OCT 30, 1974 UNDER SARAWAK'S PRESERVATION OF PUBLIC SECURITY ORDER (PPSO) (REF B). IN FINDING FOR LIMITED OFFICIAL USE

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WONG THE HIGH COURT JUSTICE STATED THAT HE WOULD GIVE THE

GROUNDS FOR HIS RULING AT A LATER DATE; DEFENSE COUNSEL
 (SINGAPORE'S FORMER PRIME MINISTER DAVID MARSHALL) HAD ARGUED
 THAT THE GROUNDS OF DETENTION WERE "VAGUE AND INADEQUATE",
 THAT THE PPSO WAS UNCONSTITUTIONAL, AND CRITICIZED THE ORDER
 ON A VARIETY OF TECHNICAL GROUNDS.

3. COMMENT: HIGH COURT'S RULING IS UNDOUBTEDLY A BLOW FOR THE
 CAUSE OF AN INDEPENDENT JUDICIARY IN MALAYSIA, AND IT SHOULD
 ALSO HAVE THE COLLATERAL EFFECT OF STRENGTHENING THE IMAGE OF
 THE LAW IN MALAYSIA AND OF THE GOM AS A LAW ABIDING INSTITUTION.
 MANY CRITICS OF THE GOVERNMENT HAVE ATTACKED IN RECENT MONTHS
 A TENDENCY TO USE THE LAW, PARTICULARLY THE INTERNAL SECURITY
 ACT (ISA) AND THE SEDITION LAWS, AGAINST THE GOM'S NON-COMMUNIST
 POLITICAL OPPONENTS. (THE GOM HAS APPEARED TO BE PURSUING A
 VENDETTA AGAINST THE CHINESE-BASED OPPOSITION DEMOCRATIC ACTION
 PARTY (DAP) (REF A), AND AGAINST THE MARXIST-LENINIST PARTAI
 SOSIALIS RAKYAT MALAYA (PARTAI RAKYAT OR PSRM) AS HAS THE SARAWAK
 STATE GOVT AGAINST SNAP.) SOME HAVE EVEN UNFAVORABLY COMPARED THE
 SITUATION IN MALAYSIA WITH THE SITUATION IN SINGAPORE, POINTING
 OUT THAT SINGAPORE STUDENT LEADER TAN WAH PIOW MAY HAVE
 BEEN CONVICTED UNFAIRLY, BUT HE AT LEAST GOT
 46 DAYS TO DEFEND HIMSELF, AND HIS MALAYSIAN COUNTER-
 PARTS HAVE NOT EVEN GOTTEN A CHANCE TO MAKE A CASE IN
 COURT. UNLESS THE GOM CHOOSES TO REARREST DATUK WONG IMMEDI-
 ATELY AFTER HIS RELEASE, AS IT CAN UNDER THE ISA, THE BORNEO
 HIGH COURT RULING WILL COUNTERACT SOME OF THIS CRITICISM.

4. WONG'S RELEASE SHOULD ALSO GIVE NEW HEART TO SNAP'S
 ACTIVITIES IN SARAWAK, AND TO OPPOSITION PARTIES IN MALAYSIA
 IN GENERAL. HOWEVER, THE STRONG POSITION OF THE NATIONAL
 FRONT GOVERNMENT RESULTING FROM ITS OVERWHELMING ELECTORAL
 TRIUMPH IN THE AUGUST 1974 NATIONAL ELECTIONS REMAINS UNCHAL-
 LENGED. END COMMENT.
 UNDERHILL

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